(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3361 of 2007

PETITIONERS : 1. T.N.Mishra Age about 48 year, U.T.D. S/o Shri Baburam Mishra Govt. Boys High School, Block Baster, Distt. – Jagdalpur (C.G.)
2. Smt. Chandermani Kashyap Age about 42 years, Astt. Teacher W/o Shri Pharsuram Kashyap Primary School Punjiguda, Bhond, Block Baster, Distt. – Jagdalpur (C.G.)
3. Pawan Gupta, Age about 38 year, U.T.D. S/o Late Shri N.K.Gupta, Govt. Boys High School, Block Baster, Distt. – Jagdalpur (C.G.)
4. Smt. Gurmit Thakur Age about 41 year, Astt. Teacher W/o Shri Laxman Singh Thakur Primary School Kumharpara, Retavand Block Baster, Distt. – Jagdalpur (C.G.)
5. Devi Prasad Mishra Age about 52 years, U.T.D. S/o Shri Shiv Kumar Mishra Govt. Boys High School, Block Baster, Distt. – Jagdalpur (C.G.)
6. Shankar Ram Kashyap Age about 40 year, Astt. Teacher S/o Shri Dharamu Ram Primary School Bodara, Block Baster, Distt. – Jagdalpur (C.G.)
7. Smt. Rekha Kamini Age about 38 year, Astt. Teacher W/o Shri Pradeep Kumar Primary School Kolchoor Block Baster, Distt. – Jagdalpur (C.G.)
8. Jeevrakhan Kosma Age about 42 year, Astt. Teacher S/o Shri Sukha Ram Kosma Primary School Besoli, Block Baster, Distt. – Jagdalpur (C.G.)
9. Fotku Ram Baghel Age about 41 year, Astt. Teacher S/o Shri Mosu Ram Primary School Jamkair, Block Baster, Distt. – Jagdalpur (C.G.)

VERSUS

RESPONDENTS : 1. State Govt. of Chhattisgarh Through Secretary Tribal Welfare Department & Education Department D.K.S. Bhawan, Distt. – Raipur (C.G.)
2. Distt. Education Officer Jagdalpur District – Jagdalpur (C.G.)
3. Assistant Commissioner, Tribal Welfare Department, Jagdalpur District – Jagdalpur (C.G.)
4. Principal Govt. Boys High School, District – Jagdalpur (C.G.)
5. Block Education Officer Bastar, District – Jagdalpur (C.G.)
6. Treasury, Accounts & Pension Jagdalpur, District Jagdalpur (C.G.)

(29)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Somkant Verma, Advocate for the petitioners.
Shri Y.S.Thakur, Govt. Advocate for the State/respondents.

ORDER

(Passed on 20th day of June, 2007)

1. Learned counsel appearing for the petitioners as well as for the State/respondents jointly submit that the fact and question of law involved in the present writ petition are the same to that of in **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}**, which has been disposed of vide order dated 03.04.2006. Learned counsel appearing for the respondents does not controvert the said submission.

2. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma* vs. *The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma* vs. *The State Govt. of Chhattisgarh and another***) (Supra).

3. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioners have acquired D.Ed. Examination Certificate on their own expenses as per the circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge